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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,932	12/30/2003	Claude Auger	THOLAM P221US	1933
20210	7590	12/02/2004	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151			BLAKE, CAROLYN T	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/748,932	AUGER, CLAUDE
	Examiner Carolyn T Blake	Art Unit 3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) 7 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

1. This action is in response to applicant's amendment received on November 15, 2004.
2. The text of those sections in Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Objections***

3. Claim 7 is objected to because the phrase "side face of saw blade" should be changed to - -side face of the saw blade- -. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. Claims 1, 3, 4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omi (5,074,179).

Regarding claims 1, 4, and 7, Omi discloses a method and apparatus for reducing damage to a circular saw blade (1) that make use of mounting at least one contact member (11) to an inside surface of a saw head compartment (4) through the use of a bolt (14). This is best depicted in FIG 1. A circumferential side face of the saw blade (1) contacts and is confined by the contact member (11) to resist further lateral movement of the saw blade (1) and minimize damage thereto (col. 1, lines 23-25). Although the contact member is not mounted to the access door (17), Omi states the contact member can be positioned away from the cutter body (5) in col. 4, lines 21-23, and thus on the access door. The Omi figures do not show the contact member positioned immediately adjacent to and spaced laterally and radially inwardly from a lower circumferential peripheral edge of the circular saw blade when in a retracted position. However, Omi does state the contact member can be placed at any position

inside the saw head compartment so long as the contact member can contact the saw blade in col. 4, lines 23-26. Cursory review of FIGS 1 and 2 shows the contact member will contact a lower circumferential peripheral edge of the circular saw blade if positioned at the bottom of the guard and will confine lateral movement of that lower edge. Note: the terms "laterally" and "radially" are interpreted as the same direction.

Regarding claims 3 and 6, two contact members (11) are shown on the Omi device in FIG 2.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. To the degree it can be argued the terms "laterally" and "radially" do not denote the same direction, claims 1, 3, 4, 6, and 7 are further rejected under 35 U.S.C. 102(b) as being anticipated by Meredith et al (5,724,875).

Regarding claim 1, Meredith et al disclose a method for reducing damage caused to a circular saw blade (18) on a delimiting machine, the method comprising the step of: mounting at least one contact member (71) to an inside surface of an access door (42) of a saw head compartment (20), the at least one contact member (71) being positioned immediately adjacent to and spaced laterally and radially inwardly from a lower circumferential peripheral edge of the circular saw blade (18) when in a retracted position within the saw head compartment (20), such that lateral movement of the lower

circumferential peripheral edge of the circular saw blade (18) is confined by the at least one contact member (1) engaging a first face of the circular saw blade (18) along the lower circumferential peripheral edge. See FIGS 11, 13a, and 13b and col. 7, lines 17-27. Note: the contact member (71) is mounted within the hole, and within the hole is considered the inside surface of the access door (42).

Regarding claim 3, Meredith et al disclose more than one contact member (69 and 71).

Regarding claim 4, Meredith et al disclose An apparatus for reducing damage caused to a circular saw blade (18) on a delimiting machine, comprising: a saw head compartment (20) of a delimiting machine, the saw head compartment (20) having an access door with (42) an inside surface; at least one contact member (71) mounted to the inside surface of the access door (71) of the saw head compartment (20) the at least one contact member (71) being positioned immediately adjacent to and spaced laterally and radially inwardly from a lower circumferential peripheral edge of the circular saw blade (18) when in a retracted position within the saw head compartment (20), such that lateral movement of the lower circumferential peripheral edge of the circular saw blade (18) is confined by the at least one contact member (71) engaging a first face of the circular saw blade (18) along the lower circumferential peripheral edge.

Regarding claim 6, Meredith et al disclose more than one contact member (69 and 71).

Regarding claim 7, Meredith et al disclose an apparatus for reducing damage caused to a circular saw blade (18) on a delimiting machine, the apparatus comprising: a saw head compartment (20) for a delimiting machine, having an access door (42) with

an inside surface; a saw blade (18) rotatably supported within the saw head compartment (20); at least one contact member (71) mounted to the inside surface of the access door (42) of the saw head compartment (20), the at least one contact member (71) being positioned adjacent but spaced laterally and radially inwardly from a circumferential peripheral edge of the circular saw blade (18), and when the saw blade (18), during operation thereof, is biased laterally, a circumferential side face of the saw blade (18) contacts and is confined by the at least one contact member (71) to resist further lateral movement of the saw blade (18) and minimize damage thereto.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1 to 7 have been considered but are moot in view of the new ground(s) of rejection. The term "laterally" as used by applicant can be interpreted to mean "radially." Although applicant's arguments seem to indicate the term "laterally" should be defined as "axially," the term is not explicitly defined as such in the specification.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CB

CB  
November 23, 2004

  
Allan N. Shoap

Supervisory Patent Examiner  
Group 3700